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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,901	06/28/2006	Gerrit Hollemans	NL040020US1	1985

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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HUR, ECE

ART UNIT	PAPER NUMBER
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2175

MAIL DATE	DELIVERY MODE
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01/06/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,901	HOLLEMANS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ECE HUR	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to application (amendment) filed on October 8, 2009 in which Claims 1-2, 4-11, 14-16 and 18 are pending. Claims 3, 12, 13, 17 and 19 have been cancelled. This application claims priority from application PCT/IB05/50004.

#### ***Status of Claims***

Claims 1-19 are pending in the case. Claims 1, 14, 18 and 19 are independent Claims.

Claims 1-11 are rejected under 35 U.S.C. 101.

Claims 1-2, 4-11, 14-16 and 18 are rejected under 35 U.S.C. 102(b).

#### ***Response to Arguments***

Applicant's arguments filed October 8, 2009 have been fully considered but they are not persuasive. See rejection for details. Applicant argued:

1) Regarding Claims 1-11, 13, 18 and 19 rejection under 35 U.S.C. 101, the rejection for Claims 1-11 remains, Claims 13 and 19 are canceled, Claim 18 rejection is withdrawn because applicant amended the Claim 18.

2) Regarding Claims 6, 8, 9 and 13 rejection under 35 U.S.C. 112, Second paragraph and objection, the rejection and the objection are withdrawn.

3) Applicant argues about the amended Claims. See rejection for details.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards Software program per se.

Regarding Claims 1-11, claims 1-11 recite a “a system having a graphical user interface...”, which can be interpreted as software per se. Software is functional descriptive material that can be considered statutory only if it is both functional and clearly embodied on a computer readable medium and designed to support specific data manipulation function. When functional descriptive material is recorded on a computer-readable medium it will become structurally and functionally interrelated the medium and will be statutory in most cases since the use of technology permits the function of the descriptive material to be realized. See *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031, 1035 (Fed. Cir 1994) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQd at 1759. A Software structure is functional if the specific arrangement of data enables a computer to accomplish useful result arising from the arrangement of the data in the software. However, only computer readable medium executed instruction by a processor could be statutory, it is not clearly defined as being embodied in a computer readable medium as executed instruction and is therefore not statutory. See *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-11, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Shalit et al., US 5,714,971.

Regarding Claim 1, Shalit discloses the claimed aspect of a system having a graphical user interface for navigating through content, the system comprising a history panel wherein navigation history data is displayed, and at least a first panel displaying a first menu of a content structure, the first menu comprising one or more selectable items in FIG. 2D, FIG. 8, wherein the ability of navigation through content structure is illustrated. (Shalit, FIG. 2D, Column 1, lines 49-51, Abstract, Column 9, lines 19-20, FIG. 8, Navigation history).

Shalit discloses the claimed aspect of the navigation history data is updated with a reference to the menu displayed in the first panel after selection of an item of the menu in FIG. 2D, FIG. 8, wherein navigation history is updated as illustrated.

Regarding Claim 2, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Shalit discloses the claimed aspect of the system according to claim 1, further comprising at least a second panel for displaying a first sub-menu of a currently highlighted item of the first menu in FIG. 2D, wherein a second panel is illustrated.

Regarding Claim 4, most of the limitations have been met in the rejection of Claims 2 or 3. See the rejection of Claims 2 or 3 for details. Shalit discloses the claimed aspect of the first menu in the first panel is replaced with the sub-menu of the second panel upon selection of an item in the first panel in FIG. 2D, wherein first panel has an item from the second panel, ARM Support.

Regarding Claim 5, most of the limitations have been met in the rejection of Claim 4. See the rejection of Claim 4 for details. Shalit discloses the claimed aspect of the sub-menu in the second panel is replaced with a sub-menu of a currently highlighted item of the first sub-menu, in FIG. 2D, wherein ARM Support is selected in the first panel, and second panel display ARM Support with sub menu.

Regarding Claim 6, most of the limitations have been met in the rejection of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the

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claimed aspect of the navigation history data comprises a reference to previously selected menu(s) in FIG. 9E, wherein ARM Support and Level-1 is illustrated.

Regarding Claim 7, most of the limitations have been met in the rejection of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of navigation history data is displayed as pictograms in FIG. 9E, wherein icons are illustrated next to the items in the first panel.

Regarding Claim 8, most of the limitations have been met in the rejection of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of one or more layered panels show the navigation history in FIG. 9E, wherein navigation history is illustrated.

Regarding Claims 9 and 10, most of the limitations have been met in the rejection of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of the content structure includes a main menu starting point, the navigation history data includes navigation history data starting from the main menu starting point in FIG. 9E, wherein Leibniz is the main menu.

Regarding Claim 14, the rejection for Claims 1-4 apply to Claim 14. See rejection details for Claims 1-4.

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Regarding Claim 15, most of the limitations have been met in the rejection of Claim 14. See the rejection of Claim 14 for details. The rejection for Claims 3 and 4 apply to Claim 15. See rejection details for Claims 3 and 4.

Regarding Claim 16, most of the limitations have been met in the rejection of Claim 15. See the rejection of Claim 15 for details. Shalit discloses the claimed aspect of the selection of an active element causes the navigation to revert to the selected data in the navigation history data in FIG. 9E, wherein Level-1 is selected.

Regarding Claim 18, the rejection of Claims 1 and 14 apply substantially to Claim 18. See rejection details for Claims 1 and 14.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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- 1) Holtzblatt et al., US 20010038395, "Method and System for Accessing Information, history panel". Paragraph 0034, navigation panel; the history panel is updated.
- 2) Bergsten et al., US 20030001907, "Method and Apparatus For Scrollable Cross-Point Navigation In A User Interface".
- 3) Minard, US 6,247,020, Navigation pane include selecting of a current node, navigation pane is updated. Column 9, lines 4-12.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on Mon-Thurs 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 9, 2009

Ece Hur  
E.H. /e.h.

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175